

PLANNING COMMISSION MEETING
City of Gardner, Kansas
Council Chambers
June 28, 2021
7 p.m.

CALL TO ORDER

The meeting of the Gardner Planning Commission was called to order at 7:00 p.m. on Monday June 28, 2021, by Chairman Scott Boden.

PLEDGE OF ALLEGIANCE

Chairman Boden led the Pledge of Allegiance.

ROLL CALL

Commissioners present:

Chairman Boden

Commissioner Ham

Commissioner Meder

Commissioner McNeer

Commissioner Jueneman

Commissioner Cooper, via Zoom (connection lost at approximately 7:20 p.m. due to computer server interruption)

Staff members present:

David Knopick, Community Development Director

Melissa Krayca, Administrative Assistant

Spencer Low, City Attorney

CONSENT AGENDA

1. Approval of the minutes as written for the meeting on May 24, 2021.

Motion made by Commissioner McNeer to approve the minutes, seconded by Commissioner Meder.

Motion passed 6-0.

REGULAR AGENDA

ITEM 1. CONSIDER A FINAL DEVELOPMENT PLAN FOR BURGER KING RESTAURANT LOCATED ON LOT 3A OF PLAZA SOUTH.

APPLICANT PRESENTATION

Mark Huonder, Net Lease Development presented an overview of the site plan on behalf of Burger King located on Gardner Rd. between 183rd St. and I-35. The site is designed as a one way counterclockwise site which is a tight fit for Burger King building standards while meeting city criteria for landscaping and site / stacking. A connection to the adjacent existing pedestrian path is being installed along Gardner Rd. as well as a bike rack. A healthy landscape plan is provided with increased plantings along Gardner Rd. including shrubs and trees. The Burger King building prototype provides ample amount of glass, modern faux wood paneling and masonry throughout.

Commissioner Jueneman inquired about the current Burger King and Mr. Huonder stated that it would remain open in its current location.

STAFF PRESENTATION

Mr. David Knopick, Community Development Director, presented the information in staff report for Burger King. The lots are currently undeveloped and have been used for agricultural purposes. Existing utility infrastructure including sanitary sewer and electric are located adjacent to the parcel. Currently this lot has access to Vivian Street, an internal private road within the Plaza South commercial development. There appears to be no floodplain on the property, although there are some areas designated for potential flooding to the east. The applicant has agreed to significant landscape plan that includes a total of 15 trees, 6 small/medium and 9 medium/large trees as well as a total of 80 shrubs. The final development plan is generally in compliance to the code with the exception of the approved deviations from the preliminary development plan. The applicant needs to correct the calculations as provided on the landscape plans as a condition of approval for the final development plan. Additional landscape is required along the Gardner Road frontage to address the deviation request. A decorative pedestrian walkway from the parking lot to the building entrance is required to address the deviation request for a reduction in depth of the building frontage planting bed. Other than these conditions, no additional site specific conditions are necessary. Staff recommends approval of the final development plan for Burger King to be located on the east side of Gardner Rd. approximately 500' north of 188th St with the conditions outlined in the staff analysis and deviation request sections of the staff report.

Chairman Boden inquired about a private roadway agreement in previous discussions concerning Plaza South. Mr. Knopick stated that all private roadways will be maintained by the business association made up of the property owners in the development per the final plat requirements and the City will not be responsible for maintaining those private roads. There was a question and further discussion regarding the addition of condition 2 to the staff recommendation.

Motion made after review of Application FDP-21-04, a final development plan for Burger King, dated May 3, 2021, and staff report dated June 28, 2021, the Planning Commission approves the application provided the following conditions are met:

- 1 The construction plans for any utilities, infrastructure, or public facilities shall meet all technical specifications and public improvement plans shall be submitted and approved prior to issuance of a building permit;**
- 2 That the conditions identified in the Staff Analysis and Deviation Request sections of the staff report be incorporated into the final development plan;**
- 3 The Administrative Plat AP-21-09 shall be recorded with the Johnson County Records and Tax Administration prior to the issuance of a building permit.**

**Motion made by Commissioner McNeer and seconded by Meder.
Motion passes 6-0.**

ITEM 2. CONSIDER A FINAL DEVELOPMENT PLAN FOR ASPEN CREEK RESIDENTIAL DEVELOPMENT.

APPLICANT PRESENTATION

Judd Claussen, Phelps Engineering presented an overview of the final phase of Aspen Creek. The northern portion is 16.0 acres with 56 single family lots, and the southern portion is 17.59 acres with 66 duplex units. It will also have an open space with trails as well as Frisbee golf

stations and hammock garden. Shutters, stone, accent colors and garage door upgrades are being incorporated into the elevations of the homes to differentiate the homes already in Aspen Creek. Variations in windows and roofline are also being added and will provide a contrast in the architecture of the homes.

Commissioner McNeer inquired if the properties were intended to be sold or rentals. Mr. Claussen stated that they would be rentals.

STAFF PRESENTATION

Mr. Knopick presented the information in staff report for Aspen Creek East which consists of 89 lots/122 residential units on 33.6 acres. All infrastructure is available to the site and sidewalks will be extended on both sides of the road within this development. The landscape plan requires the typical amount of street trees but will also include a buffer landscape along the west, east and north side of the development. The final development plan is in substantial compliance with the preliminary plan and the land development code and is consistent with the goals of the comprehensive plan. The final plan request is consistent with the established goals and policies of the City. Staff recommends approval of the final development plan for the Aspen Creek East residential development, with the conditions outlined in the suggested motion.

Motion made after review of application FDP-21-05, a final development plan for Aspen Creek East, May 3, 2021, and staff report dated June 28, 2021, the Planning Commission approves the application provided the following conditions are met:

- 1. The final plat shall be recorded with the Johnson County Records and Tax Administration prior to the issuance of building permits; and**
- 2. The construction plans for any utilities, infrastructure, or public facilities shall meet all technical specifications and public improvement plans shall be submitted and approved prior to issuance of a building permit.**

Motion made by Meder and seconded by McNeer.

Motion passes 5-0.

Motion made to adjourn by McNeer and seconded by Meder.

Motion passes 5-0.

Meeting adjourned at 7:31 p.m.

